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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09 716,819      | 11 20 2000  | Alfred D. Ducharme   | C1104-7061          | 9031             |

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EXAMINER

LEE, Y MY QUACH

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 03 27 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/716,819

Applicant(s)

Examiner

Y Quach Lee

Group Art Unit

2875

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 30 days MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 11/20/2000
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1 to 85 is/are pending in the application.
- Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☐ Claim(s) is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☒ Claim(s) 1 to 85 are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

***DETAILED ACTION***

***Restriction Requirement***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1 to 23, 25 to 33 and 66 to 85, drawn to a lighting fixture having a plurality of illuminations sources, the illumination sources producing electromagnetic radiation of at least two different spectrums, a mounting holding the illumination sources and designed to allow the spectrums of the illumination sources to mix and form white light, a connector mounted on the mounting, a housing for the mounting, a filter, a control circuit and ..., classified in class 362, subclass 231.
  - II. Claims 24, 34 to 50, 64 and 65, drawn to a light fixture having an LED mounted on a mounting, a circuit electrically connected to the LED and convert the power from a ballast voltage to a DC voltage, a processor coupled to a lighting fixture having a plurality of illumination sources for providing illumination of any of a desired range of colors, a computer hardware or computer software controller coupled to the processor for specifying illumination conditions provided by the illumination sources and ..., classified in class 345, subclass 82.
  - III. Claims 51 to 63, drawn to generating light having color and brightness using a lighting fixture capable of generating light, measuring illumination conditions by using a light sensor, modulating the color or brightness of the generated light to achieve a target illumination condition and ..., classified in class 250, subclass 206.
2. The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, each of the subcombinations may be used in the lighting fixture not having the limitations of the other subcombinations. See MPEP § 806.05(d).

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3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and their recognized divergent subject matter, the search required for Group I is not required for Groups II and III, restriction for examination purposes as indicated is proper.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Quach Lee whose telephone number is (703) 308-1939. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Y. Q.  
March 21, 2002

  
Y. Quach Lee  
Patent Examiner  
Art unit 2875